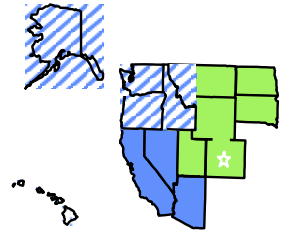




US Army Environmental Center  
Western Regional Environmental Office  
REGION 8 –JANUARY 2003  
**WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> St., Room 427, Denver, CO 80202-2500, Phone: (303) 844-0954, or e-mail: [mgedgaud@rma.army.mil](mailto:mgedgaud@rma.army.mil).

**WREO STAFF**

Gerald Owens  
Regional Chief/DOD REC Region 8  
(303) 844-0953  
[gowens@rma.army.mil](mailto:gowens@rma.army.mil)

Regional Counsel  
(303) 844-0955

Tim Blume  
Army REC Region 8  
(303) 844-0958  
[tblume@rma.army.mil](mailto:tblume@rma.army.mil)

Mark Mahoney  
Army REC Region 9  
(303) 844-00957  
[mmahoney@rma.army.mil](mailto:mmahoney@rma.army.mil)

Mike Flannery  
Army REC Region 10  
(including Hawaii & Pacific)  
(303) 844-0959  
[mflanner@rma.army.mil](mailto:mflanner@rma.army.mil)

Project Manager  
(303) 844-0952

Environmental Specialist  
(303) 844-0954

Administrative Assistant (Acting)  
(303) 844-0950

**Regional Environmental Coordinator (REC)  
Contacts**

DOD REC Region 8  
Gerald Owens  
(303) 844-0953  
[gowens@rma.army.mil](mailto:gowens@rma.army.mil)

Army REC Region 8  
Tim Blume  
(303) 844-0958  
[tblume@rma.army.mil](mailto:tblume@rma.army.mil)

Navy REC Region 8  
Jim Edmond  
(504) 678-5711  
[edmond@cnrf.navy.mil](mailto:edmond@cnrf.navy.mil)

Air Force REC Region 8  
Mike Garrison  
(214) 767-4652  
[mike.garrison@dallafcee.brooks.af.mil](mailto:mike.garrison@dallafcee.brooks.af.mil)

DLA REC Region 8  
James Phillips  
(616) 961-7322 (DSN 932-7322)  
[jphillips@drms.dla.mil](mailto:jphillips@drms.dla.mil)

**DID YOU KNOW?**

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

**TABLE OF CONTENTS**

Federal News & Regulatory Developments	2-3
Conferences, Symposiums, & Training	4-6
Colorado	7-8
Montana	9-10
North Dakota	11
South Dakota	11
Utah	12
Wyoming	13



## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**FINAL RULE – NESHAP FOR PAPER AND WEB COATING** – On 4 December 2002 (67 FR 72329), EPA finalized national emission standards for hazardous air pollutants (NESHAP) for facilities that coat paper and other web substrates and are major sources of hazardous air pollutants (HAP) emissions. The standards implement section 112(d) of the Clean Air Act (CAA) to protect public health and the environment by reducing HAP emissions from new and existing facilities. The CAA requires these sources to apply the maximum achievable control technology (MACT) for HAP emissions. The final standards will eliminate approximately 80 percent of nationwide HAP emissions from facilities that coat paper and other web substrates. The rule was effective 4 December 2002. For further information, contact Paul Almodovar, EPA at (919) 541-0283.

**PROPOSED RULE – NESHAP FOR SURFACE COATING OF PLASTIC PARTS AND PRODUCTS** – On 4 December 2002 (67 FR 72275), EPA proposed NESHAP for plastic parts and products surface coating operations located at major sources of HAP. The proposed standards would require these operations to meet HAP emission standards reflecting the application of MACT. The proposed rule would protect air quality and promote the public health by reducing emissions of HAP, including methyl ethyl ketone, methyl isobutyl ketone, toluene, and xylenes. The proposed standards would reduce nationwide HAP emissions from major sources in this source category by approximately 80 percent. Comments must be submitted by 3 February 2003. For further information, contact Kim Teal, EPA at (919) 541-5580.

**PROPOSED RULE – REVISIONS TO NESHAP GENERAL PROVISIONS AND REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES** – On 9 December 2002 (67 FR 72875), EPA proposed specific amendments to the General Provisions for NESHAP, and to the rule establishing requirements for case-by-case determinations under Clean Air Act section 112(j). EPA proposed to establish a new timetable for the submission of section 112(j) Part 2 applications that is intended both to avoid the expenditure of unnecessary resources by affected sources and permitting authorities, and to create new incentives for prompt completion of the remaining standards. EPA also proposed to make several changes in the General Provisions rule that establishes general procedures for preparation, maintenance, and periodic revision of startup, shutdown, and malfunction plans, and to revise a recordkeeping provision. Comments must be submitted by 20 January 2003. For further information, contact Rick Colyer, EPAS at (919) 541-5262, or e-mail [colyer.rick@epa.gov](mailto:colyer.rick@epa.gov).

**PROPOSED RULE – NESHAP FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES** – On 19 December 2002 (67 FR 77829), EPA proposed NESHAP for stationary reciprocating internal combustion engines (RICE) with manufacturer's nameplate rating above 500 brake horsepower located at major sources of HAP. EPA has identified stationary RICE as a major source category of HAP emissions such as formaldehyde, acrolein, methanol, and acetaldehyde. The proposed rule would require all major sources to meet HAP emission standards reflecting the application of MACT for RICE. EPA estimates that the proposed rule would reduce nationwide HAP emissions from major stationary RICE by approximately 5,000 tons/year in the 5th year after the standards are implemented. Comments must be submitted by 18 February 2003. For further information, contact Sims Roy, EPA at (919) 541-5263, or e-mail: [roy.sims@epa.gov](mailto:roy.sims@epa.gov).

**PROPOSED RULE – NESHAP FOR IRON AND STEEL FOUNDRIES** – On 23 December 2002 (67 FR 78273), EPA proposed NESHAP for iron and steel foundries. EPA has identified iron and steel foundries as a major source of HAP emissions. These proposed standards will require all major sources to meet HAP emission standards reflecting the application of MACT. The HAP emitted by facilities in the iron and steel foundries source category include metal and organic compounds. For iron and steel foundries that produce low alloy metal castings, metal HAP emitted are primarily lead and manganese with smaller amounts of cadmium, chromium, and nickel. For iron and steel foundries that produce high alloy metal or stainless steel castings, metal HAP emissions of chromium and nickel can be significant. Organic HAP emissions include acetophenone, benzene, cumene, dibenzofurans, dioxins, formaldehyde, methanol, naphthalene, phenol, pyrene, toluene, triethylamine, and xylene. Exposure to these substances has been demonstrated to cause adverse health effects, including cancer and chronic or acute disorders of the respiratory, reproductive, and central nervous systems. The proposed NESHAP would reduce nationwide HAP emissions from iron and steel foundries by over 900 tons per year. Comments must be submitted by 21 February 2003. For further information, contact Kevin Cavender, EPA at (919) 541-2364.

### **WASTE INFORMATION:**

**DRAFT GUIDANCE – CONTAMINATED SEDIMENT REMEDIATION FOR HAZARDOUS WASTE SITES** – On 3 December 2002 (67 FR 71964), EPA published a notice regarding the availability of a document titled: "Contaminated Sediment Remediation Guidance for Hazardous Waste Sites," and requested public comments. EPA will accept comments on all aspects of the draft guidance, but comments are specifically solicited for the following topics: Approaches to sediment characterization; evaluation methods for sediment stability; measurement methods for natural recovery processes; methods to reduce dredging resuspension and residual contamination; new in-situ technologies; and monitoring methods. Comments received may be used to revise the draft guidance or to assist with future EPA guidance on this topic. Comments are due by 3 March 2003. For further information, contact Stephen Ells, EPA at (703) 603-8822, or link <http://www.epa.gov/superfund/resources/sediment>.

### **WATER INFORMATION:**

**PROPOSED RULE – NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES** – On 20 December 2002 (67 FR 78115), EPA proposed a NPDES general permit for discharges from large and small construction activity. The proposed permit will replace the existing permit covering large construction sites in EPA Regions 1, 2, 3, 7, 8, 9 and 10 that expires on 17 February 2003. In addition, the proposed permit incorporates coverage of small construction activity in EPA Regions 1, 2, 3, 5, 6, 7, 8, 9 and 10. The proposed permit is similar to the existing permits and will authorize the discharge of pollutants in storm water runoff associated with construction activities in accordance with the terms and conditions described therein. Comments on the proposed general permit must be submitted by 3 February 2003. For further information, contact Jack Faulk, EPA at (202) 564-0768 or e-mail: [faulk.jack@epa.gov](mailto:faulk.jack@epa.gov).

**NOTICE OF AVAILABILITY – REVISION OF NATIONAL WATER QUALITY CRITERIA** – On 27 December 2002 (67 FR 79091), EPA published a revision of fifteen of its national recommended water quality criteria for protecting human health. This revision is a partial update based on EPA's new methodology for deriving human health criteria. The fifteen criteria included in this notice are: chlorobenzene; cyanide; 1,2-dichlorobenzene; 1,4-dichlorobenzene; 1,1-dichloroethylene; 1,3-dichloropropene; endrin; ethylbenzene; hexachlorocyclopentadiene; lindane; thallium; toluene; 1,2-transdichloroethylene; 1,2,4-trichlorobenzene; and vinyl chloride. EPA also announced the availability of an updated national recommended water quality criteria compilation. The updated compilation is available at <http://www.epa.gov/waterscience/humanhealth/>. In the updated compilation, EPA partially revised 83 national recommended water quality criteria for protecting human health. The fifteen criteria in the Notice are not part of the updated compilation. EPA will accept scientific views on the fifteen criteria until 25 February 2003. For further information, contact Cindy Roberts, EPA at (202) 566-1124.



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

### DSMOA TRAINING WORKSHOPS

23-24 January 2003 – Honolulu, Hawaii  
25-26 February 2003 – Sacramento, California  
18-19 March 2003 – Colorado Springs, Colorado  
2-3 April 2003 – Palm Springs, California  
30 April-1 May 2003 – Seattle, Washington  
6-7 May 2003 – Anchorage, Alaska

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

### AMERICAN INDIAN CULTURAL COMMUNICATIONS COURSE

27-30 January 2003 – Tucson, Arizona

DoD is sponsoring this course at Davis-Monthan Air Force Base. The course is designed to present DoD/American Indian/Alaska Native Policy and its implementation at installations. It will be taught primarily by American Indian trainers, with some segments taught by DoD and regional American Indian participants. The topics include: History of Indian Laws and Legal Base for DoD Policy, Federal Laws and Policies Impacting DoD Relationships with Indian Tribes, Introduction to Tribal Concepts and Culture, Cross-Cultural Communication, Strategies for Consulting with Tribes, and Skills for Managing Conflict. There is no registration fee for DoD/federal employees, including contractors. For more information or to register, contact Dr. Donata Renfrow at (678) 357-6513, or e-mail: [donata@mindspring.com](mailto:donata@mindspring.com).

### EPA UXO TRAINING COURSE

28-30 January 2003 – San Francisco, California

This course provides an overview of technical training essential to project managers involved in the investigation and cleanup of ordnance and explosives at ranges, ammunition depots, storage areas and manufacturing sites. The Systematic Planning Process is emphasized as a model for project planning. For more information or to register, contact Margaret Clark at (703) 642-6847, or e-mail: [clarkmar@versar.com](mailto:clarkmar@versar.com).

### HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE

28-30 January 2003 – Monterey, California

The Navy School, Civil Engineers Corps Officers, is offering this DoD Interservice Environmental Education Review Board course. The course is tuition-free to DoD and civil service employees and contractors. The course description and on-line registration are available at <https://www.cecos.navy.mil>.

### SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP

25-26 February 2003 – San Francisco, California  
20-21 May 2003 – Indianapolis, Indiana  
22-23 July 2003 – Washington, DC

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

### ENVIRONMENTAL NEGOTIATION WORKSHOP

18-20 March 2003 – Silverdale, Washington

The Naval School, Civil Engineer Corps Officers, is presenting this workshop at no cost to DoD personnel. The workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the interpersonal, organizational and public interaction aspects of negotiation in environmental decision making. This course is intended for DoD and civilian personnel involved in Regulatory Compliance, Installation Restoration, Planning, Natural Resources and Base Realignment and Closure who have decision-making roles with regulatory agencies and the public. For more information or registration, link <https://www.cecos.navy.mil/>.

### **ARMY ENVIRONMENTAL TRAINING WORKSHOP**

**23-28 March 2003 – Kansas City, Missouri**

The Army Training and Doctrine Command (TRADOC) and the Army Environmental Center (AEC) are sponsoring this workshop, which will consist of numerous environmental short courses and seminars. It is intended to provide: 1) awareness and training in Army environmental programs; 2) preparation for the new installation management business models, such as TIM and EMS; and 3) opportunities for installation staff to obtain program updates and share lessons learned. For more information, contact Susan West, TRADOC at (757) 788-2279, e-mail: [wests@Monroe.army.mil](mailto:wests@Monroe.army.mil), or Susan Thomas, AEC at (410) 436-6899, e-mail: [Susan.Thomas@aec.apgea.army.mil](mailto:Susan.Thomas@aec.apgea.army.mil).

### **29<sup>th</sup> ENVIRONMENTAL AND ENERGY SYMPOSIUM**

**7-10 April 2003 – Richmond, Virginia**

This symposium is sponsored by the National Defense Industrial Association, Environment and Energy Division, in cooperation with the Deputy Under Secretary of Defense for Installations and Environment, the Defense Logistics Agency, EPA and DOE. It will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. For more information, contact Derek Jenks at [djenks@ndia.org](mailto:djenks@ndia.org) or link <http://register.ndia.org/interview/register.ndia?~Brochure~3440>.

### **INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**

**8-10 April 2003 – Las Vegas, Nevada**

**15-17 April 2003 – Anchorage, Alaska**

**26-28 August 2003 – Seattle, Washington**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **NATIONAL POLLUTION PREVENTION ROUNDTABLE SPRING CONFERENCE**

**8-11 April 2003 – Louisville, Kentucky**

The Pollution Prevention (P2) Roundtable will bring together pollution prevention practitioners and experts to share the latest in policy, regulatory, and technical information. The meeting will feature special tracks on Environmental Management Systems and P2, international sustainability policy discussions as a follow-up to the World Summit, and P2's role in addressing global climate change challenges. For more information, link <http://www.p2.org/events/spring2003/>.

### **25<sup>TH</sup> SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS**

**4-7 May 2002 – Breckenridge, Colorado**

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuels and chemicals production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link [http://www.nrel.gov/biotech\\_symposium](http://www.nrel.gov/biotech_symposium).

**INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP****12-15 May 2003 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

**9<sup>TH</sup> NATIONAL CLEAN CITIES CONFERENCE****18-21 May 2003 – Palm Springs, California**

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link [http://www.ccities.doe.gov/conference/palm/palm\\_home.shtml](http://www.ccities.doe.gov/conference/palm/palm_home.shtml).

**REAL WORLD CLEAN AIR SYMPOSIUM****19-22 May 2003 – Seattle, Washington**

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail [mkubal@anteon.com](mailto:mkubal@anteon.com), or link <http://www.usasymposium.com>.

**11<sup>th</sup> ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM****19-22 May – Sparks, Nevada**

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

**AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION****22-26 June 2003 – San Diego, California**

AWMA will be presenting its 96<sup>th</sup> annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

The US Army Corps of Engineers Professional Development Support Center has released its FY 03 training course schedule. Environmental courses include: Clean Air Act Workshop, CERCLA/RCRA Remediation Processes, Environmental Impact Assessment, and Environmental Regulatory Practical Application. The schedule is available at: <http://pdsc.usace.army.mil/CourseScheduleNewFY.asp>.

The fiscal year 2003 schedule for the Air Force Institute of Technology Training courses is available at: <http://cess.afit.edu>. Environmental courses include: Introduction to Environmental Management, Air Quality Management, Environmental Compliance Assessment, Hazardous Waste Management, and Pollution Prevention Program Operations.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)



## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### Regulatory Developments & Other State Information

**HAZARDOUS WASTE TRAINING** - The Hazardous Waste Compliance Round Table and the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) are jointly presenting a hazardous waste management workshop for environmental managers and compliance staff. This workshop is designed to provide an overview of the Colorado hazardous waste regulations. The one-day workshop is co-sponsored by the Larimer County Health Department and will be held in the Columbine Room at the Lincoln Center in Fort Collins on 13 February 2003. There is a course fee of \$25. For additional information or registration, contact Claudette Ferris at (303) 692-3300 or 888-569-1831 toll-free, or email [comments.hmwmd@state.co.us](mailto:comments.hmwmd@state.co.us).

**PROPOSED RULE – LISTING OF MOUNTAIN PLOVER AS THREATENED SPECIES** – On 5 December 2002 (67 FR 72396), the U.S. Fish and Wildlife Service (FWS) reopened the comment period for its proposal to list the mountain plover (*Charadrius montanus*) as a threatened species. The proposed listing action was published in the Federal Register on 16 February 1999 (64 FR 7587), and new information has become available that is pertinent to the species' biology and the listing factors FWS is required to consider under the Endangered Species Act. FWS is reopening the comment period to share new information it has acquired and provide the public a new opportunity to provide comments on this listing proposal. Written comments must be received by 3 February 2003. For further information, contact Robert Leachman, FWS at (970) 243-778, or link <http://www.r6.fws.gov/mtnplover/>.

### AIR INFORMATION:

**FINAL REGULATION - AMENDMENTS TO LEAD-BASED PAINT ABATEMENT PROGRAM** – CDPHE has adopted amendments to its lead-based paint abatement program. The revisions will incorporate recent federal regulatory changes, and revise the language regarding fees. The annual certification fee for abatement firms will decrease from \$2500 to \$450, while inspection firms will be subject to a new \$350 annual fee. The amendments will be effective 2 March 2003. For more information, contact Douglas Lempke at (303) 692-3478.

**FINAL REGULATION - ADOPTION BY REFERENCE OF FEDERAL NESHAP**– CDPHE has adopted by reference several federal National Emission Standards for Hazardous Air Pollutants (NESHAP), including: (1) catalytic cracking and reforming units, and sulfur plants at petroleum refineries; (2) wet formed fiberglass mat production; (3) cellulose production manufacturing; (4) large appliance manufacturing; (5) metal coil; (6) polyvinyl chloride and copolymers production; and (7) tire manufacturing. The standards will be effective 2 March 2003. For more information, contact Douglas Lempke at (303) 692-3478.

**PROPOSED REGULATION – AMENDMENTS TO ASBESTOS REGULATIONS** – CDPHE has proposed amendments requiring a certification process for air monitoring specialists that may affect those facilities which are required to use air monitoring specialists for asbestos detection. In addition, asbestos abatement in single-family homes would be regulated. The proposed reorganization of the regulation would change the location of regulations affecting facilities, but would also make the rule easier to understand. A public hearing will be held on 16 January 2003. For more information, contact Douglas Lempke at (303) 692-3478.

**PROPOSED REGULATION – ADOPTION OF PUBLIC LANDS EMISSION INVENTORY** – CDPHE has proposed to adopt the Public Lands Emission Inventory developed pursuant to the requirements of 1999 HB-1351 and Commission Regulation No. 3, Part B, Section XI.G. The statute requires CDPHE to provide an inventory of emissions from activities of all state and federal land management agencies on state lands that may affect visibility in Class I areas. CDPHE will hold a public hearing 16 January 2003. For more information, contact Douglas Lempke at (303) 692-3478.

### **WATER INFORMATION:**

**PROPOSED REGULATION – REVISIONS TO GROUND WATER AND SURFACE WATER STANDARDS FOR DIISOPROPYL METHYLPHOSPHONATE** – CDPHE had proposed revisions to the ground and surface water standards for diisopropyl methylphosphonate. The proposal would have changed the standard from 8 parts per billion (ppb) to the US Army standard of 400 ppb. The WQCC held a rulemaking hearing 9 December 2002 and defeated the proposal by a 4 to 3 vote. For more information, contact Howard Roitman at (303) 692-3397.

**PROPOSED REGULATION – AMENDMENTS TO STATE DISCHARGE PERMIT SYSTEM** – The Colorado Water Quality Control Commission (WQCC) has proposed amendments to its regulations governing the State Discharge Permit System. WQCC determined that amendments were needed during a review of the regulations similar to the statutory triennial review. The proposed amendments will address: (1) TMDLs; (2) wasteload allocation, including trading of existing wasteload allocations or reductions in local allocations among point and/or nonpoint sources; (3) newly identified discharges into the Colorado River; (4) and correct typographical errors, clarify existing language, and update citations. WQCC will hold a public hearing 13 January 2003. Comments are due by that date. For more information, contact Diana Glaser at (303) 692-3469.

**PROPOSED REGULATION – WATER SUPPLY STANDARDS FOR UPPER ARKANSAS AND FOUNTAIN CREEK** – The Colorado WQCC has proposed to amend the water supply standards to conform with the classification changes made for Upper Arkansas segment 20 and Fountain Creek segment 7a. WQCC will also amend other water supply criteria in Upper Arkansas segment 2a. Public comments will be accepted through 10 February 2003. For more information, contact Diana Glaser at (303) 692-3469.

**PROPOSED REGULATION – REVISIONS TO DISCHARGE PERMIT SYSTEM REGULATIONS** – The Colorado WQCC has proposed to revise section 61.3(2)(f) to consider a “TMDL waiver” from stormwater permit requirements for certain small construction activities. A public hearing will be conducted on 14 April 2003. For more information, contact Diana Glaser at (303) 692-3469.

### **Legislative Developments**

**The 2002 Colorado Legislature adjourned 8 May. The environmental bills that were tracked during the session were summarized in the June Review. For additional information on the 2002 legislative session, link [http://www.state.co.us/gov\\_dir/stateleg.htm](http://www.state.co.us/gov_dir/stateleg.htm). The 2003 legislative session will begin 8 January.**

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## MONTANA

### Regulatory Developments & Other State Information

#### **PROPOSED RULE – DESIGNATION OF CRITICAL HABITAT FOR COLUMBIA RIVER DISTINCT POPULATION SEGMENTS OF BULL TROUT**

– On 29 November 2002 (67 FR 71235), the U.S. Fish and Wildlife Service (FWS) proposed designation of critical habitat for the Columbia River distinct population segments (DPS) of bull trout (*Salvelinus confluentus*) pursuant to the Endangered Species Act (ESA). For the Columbia River DPS, the proposed critical habitat designation totals approximately 29,251 km (18,175 mi) of streams and 201,850 ha (498,782 ac) of lakes and reservoirs, which includes 5,341 km (3,319 mi) of streams and 88,051 ha (217,577 ac) of lakes and reservoirs in the State of Montana; If this proposal is made final, Federal agencies will be required to meet the requirements of section 7(a)(2) of ESA with regard to critical habitat. Specifically, Federal agencies shall, in consultation with FWS, ensure that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The term "destruction or adverse modification" means direct or indirect alteration that appreciably diminishes the value of the critical habitat for both the survival and recovery of a listed species (50 CFR 402.02). Section 4(b)(2) of ESA requires the designation of critical habitat to be made on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. FWS solicits data and comments from the public on all aspects of this proposal, including data on economic and other impacts of the designation. FWS may revise this proposal prior to final designation to address new information received during the comment period. Public comments are due by 28 January 2003. For further information, contact John Young, FWS at (503) 231-6131.

### AIR INFORMATION:

#### **FINAL REGULATION – REORGANIZATION OF AIR PERMITTING RULES**

– The Montana Department of Environmental Quality (DEQ) has adopted new rules regarding the permitting of air contaminant sources to clarify permitting requirements and make the rules more understandable. The amendments include: (1) revising definitions; (2) renaming "preconstruction permit" to "Montana air quality permit;" (3) specifying the sources of air contaminants that are subject to the permit requirements; (4) establishing a general threshold of 25 tons per year for when a permit is required; (5) specifying that only the permittee may request a hearing for a de minimus permit amendment when the amendment is requested by DEQ; (6) clarifying that DEQ is not obligated to issue an air quality permit upon receipt of an application; (7) clarifying that permit applications be certified for completeness and accuracy; (8) clarifying that a description of shutdown procedure must include; (9) specifying of the conditions for issuance or denial of a permit application; (10) clarifying that emission control requirements, including best available control technology, apply to previously unpermitted, older units that are modified in a manner requiring an air quality permit; (11) adding a provision specifying that the owner or operator and DEQ may mutually agree on a location other than the permitted facility or emitting unit for making the air quality permit available for inspection; (12) clarifying DEQ's procedures of review for applications; and (13) giving authority for DEQ to partially revoke a permit; and (14) clarifying that DEQ may only deny a permit transfer when the transfer will violate air quality laws or regulations. The amendments were effective 26 December 2002. For more information, contact David Rusoff at (406) 444-2626.

**FINAL REGULATION – REVISION OF OPEN BURNING RULES** – The Montana DEQ has amended its open burning rules. The amendments revise conditional, essential agricultural, and minor source open burning rules. The amendments revise the time periods, materials, and criteria applicable to such open burning, and reconcile open burning regulations with solid waste regulation for landfills. The amendments were effective 26 December 2002. For more information, contact David Rusoff at (406) 444-2626.

**FINAL REGULATION – ADOPTION OF FEDERAL NESHAP AND MACT PROVISIONS** – The Montana DEQ has adopted federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Available Control Technology (MACT) requirements published since 2001. The amendments include: (1) timing of permits and how and when MACT standards apply to sources; and (2) adoption of the MACT Hammer provision. The amendments were effective 26 December 2002. For more information, contact David Rusoff at (406) 444-2626.

**PROPOSED REGULATION – INCORPORATION BY REFERENCE OF FEDERAL RULES** – The Montana DEQ has proposed to adopt federal air quality regulations and definitions published between 1 July 2001 and 30 June 2002. Public comments must be submitted by 5 February 2003. For more information, contact David Rusoff at (406) 444-2626.

### **WASTE INFORMATION:**

**FINAL REGULATION – REGISTRATION REQUIREMENTS**– The Montana DEQ has adopted amendments to its generator and transporter registration rule. The amendments: (1) change the term "registration fee" to "generator fee;" and (2) remove the state's EPA identification number provisions and adopt the federal version. The amendments do not change the fees or who is required to pay the fees. The amendments were effective 12 December 2002. For more information, contact Bob Martin at (406) 444-4194, or link <http://www.deq.state.mt.us/dir/legal/Notices/17-180.pro.pdf>.

### **WATER INFORMATION:**

**FINAL REGULATION – 2002 303(d) LIST** – The Montana DEQ has completed its 2002 303(d) List of Impaired Waters. DEQ indicated that the list is largely the same as the 2000 list. DEQ has submitted the final list to EPA for approval. For more information, contact Robert Barry at (406) 444-5342, or link [http://nris.state.mt.us/wis/environet/2002\\_303dhome.html](http://nris.state.mt.us/wis/environet/2002_303dhome.html).

**PROPOSED REGULATION – WATER QUALITY STANDARDS** – The Montana DEQ has proposed numeric water quality standards for electrical conductivity (EC) and sodium adsorption ratio (SAR) for the Tongue River, Powder River, Little Powder River, Rosebud Creek, and their tributaries. The rule proposal has three alternatives. Alternative I would establish: (1) seasonal standards for EC for the entire length of the Tongue River, Powder River, Little Powder River, Rosebud Creek, and their tributaries; (2) a variable standard for SAR based on ambient EC, including a maximum SAR; and (3) a new classification for ponds constructed to contain coal bed methane production water. Alternative II would establish: (1) seasonal standards for EC for the entire length of the Powder River, Little Powder River, Rosebud Creek and their tributaries; (2) seasonal EC standards for the Tongue River that vary at different reaches of the river; (3) a variable standard for SAR based on ambient EC, including a maximum SAR; and (4) a new classification for ponds constructed to contain coal bed methane production water. Alternative III would establish: (1) seasonal standards for EC that vary at different reaches of the Powder River, Tongue River, and Rosebud Creek; (2) seasonal EC standards for the Little Powder River that vary at difference reaches of the river; (3) establish a maximum standard for SAR for each of these waters; and (4) a designation of EC and SAR as harmful parameters. Written comments are due by 7 February 2003. For more information, contact Christian Levine at (406) 444-0371, or link <http://www.deq.state.mt.us/dir/legal/hearing.asp>.

### **Legislative Developments**

Montana did not have a regular legislative session in 2002. For detailed information on Montana's 2001 legislative session, link <http://data.opi.state.mt.us/bills/2001>. **The 2003 legislative session will begin 6 January.**



## NORTH DAKOTA

---

### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

North Dakota did not have a regular legislative session in 2002. For detailed information on North Dakota's 2001 legislative session, link <http://www.state.nd.us/lr/>. The 2003 legislative session will begin 7 January.



## SOUTH DAKOTA

---

### WATER INFORMATION:

**FINAL REGULATION – PUBLIC DRINKING WATER SYSTEM STANDARDS** – The South Dakota Department of Environment and Natural Resources (DENR) has adopted amendments to its public drinking water system regulations. The amendments include: (1) surface water treatment; (2) disinfection by-products; (3) streamlined requirements for lead and copper; (4) reduced requirements for unregulated contaminant monitoring; (5) consumer notification; and (6) new criteria for sanitary surveys. The amendments were effective 10 December 2002. For more information, contact Darron Busch at (605) 773-3754, or link [http://www.state.sd.us/denr/des/drinking/PDF/DWRULESmod8\\_28\\_02.pdf](http://www.state.sd.us/denr/des/drinking/PDF/DWRULESmod8_28_02.pdf).

**FINAL REGULATION – CONSUMER CONFIDENCE REPORTS** - The South Dakota DENR has adopted federal drinking water regulations requiring public water systems to provide consumer confidence reports. The regulation was effective 10 December 2002. For more information, contact Darron Busch at (605) 773-3754, or link <http://www.state.sd.us/denr/des/drinking/PDF/CCRsecurules9502.pdf>.

### Legislative Developments

The 2002 South Dakota Legislature adjourned 12 March. The environmental bills that were tracked during the session were summarized in the May Review. For additional information on the 2002 legislative session, link <http://legis.state.sd.us/index.cfm>. The 2003 legislative session will begin 14 January.



## UTAH

---

### AIR INFORMATION:

**FINAL RULE – APPROVAL OF UTAH COUNTY PM<sub>10</sub> SIP REVISION** – On 23 December 2002 (67 FR 78181), EPA finalized approval of a revision to the Utah State Implementation Plan (SIP) for the Utah County nonattainment area for particulates of 10 microns in size or smaller (PM<sub>10</sub>). The revision modified the existing attainment demonstration in the approved PM<sub>10</sub> SIP based on a short-term emissions inventory, established 24-hour emission limits for the major stationary sources in the Utah County PM<sub>10</sub> nonattainment area and established motor vehicle emission budgets based on EPA's most recent mobile source emissions model, Mobile6. The rule will be effective 22 January 2003. For further information, contact Libby Faulk, EPA at (303) 312-6083.

### Legislative Developments

The 2002 Utah Legislature adjourned 6 March. The environmental bills that were tracked during the session were summarized in the May Review. For additional information on the 2002 legislative session, link <http://www.le.state.ut.us/>. The 2003 legislative session will begin 20 January.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## WYOMING

---

### Regulatory Developments & Other State Information

**PROPOSED REGULATION – MILITARY MUNITIONS RULE** – On 23 April 2002, the Wyoming Water/Waste Advisory Board met to consider recommending adoption of the Military Munitions Rule (MMR). The Wyoming Department of Environmental Quality (DEQ) suggested that the Board recommend adoption of most, but not all, of the federal rule. DoD provided comments on DEQ's proposal. The issues have been resolved. DEQ is expected to repropose the regulation in the summer of 2003. For more information, contact Diane Connolly, WREO Regional Counsel at (303) 844-0955.

### WATER INFORMATION:

**FINAL REGULATION – SURFACE WATER QUALITY STANDARDS** – The Wyoming DEQ has reclassified the uses of stream segments in the Coal Draw watershed, north of Thermopolis, and the Red Creek watershed in the Great Divide Basin. The waters are reclassified from aquatic life to primary contact recreation. The reclassification of Red Creek was effective 7 November 2002. The reclassification of Coal Draw was effective 5 December 2002. For more information, contact Bill DiRienzo at (307) 777-7081.

**PROPOSED REGULATION – GROUNDWATER QUALITY STANDARDS** – The Wyoming DEQ has proposed to amend its water quality standards for groundwater. For Class V groundwaters, which are defined as groundwater considered a geothermal resource or associated with commercial deposits of mineral or hydrocarbon, the proposed regulation will delete the provisions that require restoration to background as the minimum applicable standard. This revisions makes the protection standards for groundwater found closely associated with commercial mineral deposits consistent with the requirements of the state's Environmental Quality Act for in-situ mining operations. DEQ will hold a public hearing on 17 January 2003 and written comments are due by that date. For more information, contact Gary Beach at (307) 777-7781, or link <http://deq.state.wy.us/wqd/Downloads/events/Revisedchap8.pdf>.

**PROPOSED REGULATION – CROSS CONNECTION CONTROL REQUIREMENTS** – The Wyoming DEQ has proposed amendments to its cross connection control regulations. The amendments establish standards to prevent backflows of contaminated water. DEQ will hold a public hearing on 17 January 2003 and written comments are due by that date. For more information, contact Connie Osborne at (307) 777-7781, or link <http://deq.state.wy.us/wqd/Downloads/events/2-2766-doc.pdf>.

**PROPOSED REGULATION – RECLASSIFICATION OF USE FOR WHITETAIL CREEK** – The Wyoming DEQ has proposed to reclassify the uses of stream segments for Whitetail Creek and its unnamed tributary in the Little Powder River Basin. Whitetail Creek is north of Gillette. The waters will be reclassified from aquatic life to primary contact recreation. Written comments are due 10 January 2003. For more information, contact Bill DiRienzo at (307) 777-7081, or link <http://deq.state.wy.us/wqd/Downloads/standards/120602.pdf>.

### Legislative Developments

The 2002 Wyoming Legislature adjourned 8 March. The environmental bills that were tracked during the session were summarized in the May Review. For more information on the 2002 legislative session, link <http://legisweb.state.wy.us>. The 2003 legislative session will begin 14 January.

[TOP OF SECTION]

[TOP OF REVIEW]